

**You must use black ink to fill out this form.**

Your Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Message phone: \_\_\_\_\_

NOTE: If for any reason you do not wish the other party to know your physical address, you still must provide a mailing address so that the court and the other party can serve you by mail.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT \_\_\_\_\_  
*City or Town where the Court is located*

_____	)	
	)	
Plaintiff,	)	
v.	)	
	)	
	)	
_____	)	Your Case No. _____
Defendant.	)	
_____	)	

**ANSWER AND COUNTERCLAIM  
To Custody Complaint**

I, \_\_\_\_\_, hereby submit my response to  
*(Print your name here)*  
plaintiff's complaint, and allege as follows:

**A. ANSWER**

**1.**

- ☐ Agree with the statements in paragraph 1 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 1 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 1 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 1 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 1 in Plaintiff's *Complaint*.

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**2.**

- ☐ Agree with the statements in paragraph 2 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 2 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 2 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 2 but of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 2 in Plaintiff's *Complaint*.

**3.**

- ☐ Agree with the statements in paragraph 3 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 3 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 3 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 3 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 3 in Plaintiff's *Complaint*.

**4.**

- ☐ Agree with the statements in paragraph 4 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 4 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 4 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 4 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 4 in Plaintiff's *Complaint*.

**5.**

- ☐ Agree with the statements in paragraph 5 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 5 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 5 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 5 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 5 in Plaintiff's *Complaint*.

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**6.**

- ☐ Agree with the statements in paragraph 6 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 6 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 6 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 6 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 6 in Plaintiff's *Complaint*.

**7.**

- ☐ Agree with the statements in paragraph 7 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 7 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 7 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 7 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 7 in Plaintiff's *Complaint*.

**8.**

- ☐ Agree with the statements in paragraph 8 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 8 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 8 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 8 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 8 in Plaintiff's *Complaint*.

**9.**

- ☐ Agree with the statements in paragraph 9 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 9 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 9 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 9 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 9 in Plaintiff's *Complaint*.

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**10.**

- ☐ Agree with the statements in paragraph 10 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 10 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 10 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 10 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 10 in Plaintiff's *Complaint*.

**11.**

- ☐ Agree with the statements in paragraph 11 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 11 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 11 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 11 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 11 in Plaintiff's *Complaint*.

**12.**

- ☐ Agree with the statements in paragraph 12 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 12 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 12 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 12 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 12 in Plaintiff's *Complaint*.

**13.**

- ☐ Agree with the statements in paragraph 13 of the *Complaint*.
- ☐ Disagree with the statements in paragraph 13 of the *Complaint*.
- ☐ Do not understand the statements in paragraph 13 of the *Complaint* to decide whether I agree or disagree.
- ☐ Disagree with this part of the statement in paragraph 13 of the *Complaint*: \_\_\_\_\_  
\_\_\_\_\_ but agree with the rest.
- ☐ There is no paragraph 13 in Plaintiff's *Complaint*.

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**B. AFFIRMATIVE DEFENSES**

*(An affirmative defense is facts and arguments that attack the plaintiff's legal right to bring the court case. The affirmative defense might win for the defendant even if everything in the plaintiff's complaint is true.)*

- ☐ I have no affirmative defenses. *(Go to Section C.)*  
☐ I further allege the following as my affirmative defense(s):

**1.**

- ☐ This Court lacks subject-matter jurisdiction over the custody of the minor child(ren) for the following reason(s) *(see attached completed Child Custody Jurisdiction Affidavit )*:
- ☐ The minor child(ren) of the parties has/have never resided or been present in the State of Alaska.
- ☐ The minor child(ren) of the parties does/do not currently reside in the State of Alaska and have not lived there since \_\_\_\_\_.  
Date
- ☐ The minor child(ren) of the parties has/have lived in Alaska for less than six months.
- ☐ A court in another state has already exercised jurisdiction over custody of the minor child(ren).
- ☐ I have attached to this Answer a *Motion to Dismiss the Child Custody Case for Lack of Jurisdiction*.

**2.**

- ☐ The venue of this action is improper. This case should have been filed at the courthouse in \_\_\_\_\_.  
City or Town
- ☐ I have attached to this Answer a *Motion To Change Venue*.

**3.**

- ☐ Other \_\_\_\_\_
- 

**C. COUNTERCLAIMS**

*(A counterclaim is where the defendant states what he/she wants to happen regarding the issues in the case.)*

- ☐ I have no counterclaims. *(Go to Section D.)*  
☐ I have stated above that the Alaska court does not have jurisdiction over the custody so the case should be dismissed. If this court does not dismiss the case, I submit the following counterclaim(s) without waiving my claim about the court's lack of jurisdiction.  
☐ I further allege the following as my counterclaim(s):

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### 1. Custody and Visitation

☐ It is in the best interest of ☐ all of the minor children ☐ the following minor child(ren):

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that the following custody and visitation plan be entered:

**1A. Legal Custody** is decision making authority such as matters relating to health, education or religion of the child(ren). Joint legal custody means both parents share the decision making because they can communicate about the children, even though they may not get along otherwise. Joint legal is the most common type of legal custody courts award. Sole legal custody means one parent makes decisions about the child(ren) because there is no way that the parents can communicate about the child(ren) or one parent is unfit due to severe mental illness, substance abuse or domestic abuse issues. With sole legal, both parents usually have access to school and medical records and neither parent can move out of the state with the children without permission from the court or other parent.

**Because it is in the best interests of the children, I request that I be awarded:**

- ☐ Joint Legal Custody (the parents share the decision making about the child(ren)).  
☐ Sole Legal Custody (one parent makes decisions about the child(ren)'s upbringing and does not have to consult with the other parent).

**1B. Physical Custody** describes the child(ren)'s schedule. If the children are with each parent more than 110 over nights within 1 year, you have a shared custody schedule. If one parent has 109 over nights or less, he or she has a visitation schedule and the other parent has primary custody.

**Tip:** Print out the annual school calendar provided by your local school district which includes vacations and in-service days. Circle the days you want overnights and count them up to figure out if you have a shared or primary schedule. For links to many school calendars, visit <http://www.courts.alaska.gov/shc/family/docs/calendars.pdf>. For a one-page annual calendar without school dates, go to [www.timeanddate.com/calendar/](http://www.timeanddate.com/calendar/). You may find the Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) helpful. If you use one of these calendars, set out the times for exchanges and visitation during the day. You can attach the annual calendar and weekly chart to this *Complaint*.

**The following physical custody plan is in the child(ren)'s best interests: (check i, ii or iii)**

i. ☐ **Shared Physical Custody** The child(ren) will have 110 or more overnights with each of us. (Check 1 box below for the plan you want.)

- ☐ the schedule on the attached Custody & Visitation Plan, SHC-1120 [Word](#) | [PDF](#)  
☐ the schedule on the attached Proposed Parenting Plan, SHC-1127 [Word](#) | [PDF](#)  
☐ the following schedule:

**Visitation during the week:** ☐ as described on the attached Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) or as follows: \_\_\_\_\_

**Summer Vacation:** \_\_\_\_\_

**Holidays & Birthdays:** \_\_\_\_\_

**Weekends:** \_\_\_\_\_

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Other: \_\_\_\_\_

ii. ☐ **Primary Physical Custody:** Child(ren) will have 256 or more overnights with me and be with the other parent for 109 overnights or less. (Check 1 box below for the plan you want.)

☐ the schedule on the attached Custody & Visitation Plan, SHC-1120 [Word](#) | [PDF](#)

☐ the schedule on the attached Proposed Parenting Plan, SHC-1127 [Word](#) | [PDF](#)

☐ the following schedule:

**Visitation during the week:** ☐ as described on the attached Weekly Scheduling Chart, SHC-1132 [Word](#) | [PDF](#) or as follows: \_\_\_\_\_

**Summer Vacation:** \_\_\_\_\_

**Holidays & Birthdays:** \_\_\_\_\_

**Weekends:** \_\_\_\_\_

**Other:** \_\_\_\_\_

iii. ☐ **Other Custody Arrangement** as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**1C. Travel:** Travel costs for visitation should be divided as follows:

\_\_\_\_\_  
\_\_\_\_\_

**1D. Safety concerns:** *A history of domestic violence can significantly affect the outcome of the custody issues in your case. In short, there is a presumption that the perpetrator of domestic violence may not get custody. The presumption may be overcome by meeting specific legal requirements. You are strongly encouraged to discuss the situation with an attorney. See <http://courts.alaska.gov/shc/family/dvlawfaq.htm> for more information.*

☐ I am concerned about my safety or the safety of the children when with the other parent.

Therefore, I request that visitation be restricted as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Child & Medical Support** ☐ I have completed and attached the **required** Child Support Guidelines Affidavit, [DR-305](#) [Fill-In PDF].

☐ I am proposing a **shared custody schedule**, so I have also completed and attached a Shared Custody Child Support Calculation, [DR-306](#) [Fill-In PDF]. (Note: if you asked for primary custody, you do not need to file the DR-306 form).

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**2A. Civil Rule 90.3 calculation:** Child support should be entered ☐ in accordance with Civil Rule 90.3 OR ☐ vary from Civil Rule 90.3 because: \_\_\_\_\_

**2B. Child Support should be ordered from:** ☐ the date of separation ☐ the date of the *Final Decree* ☐ other: \_\_\_\_\_.

**2C. Other parent's income:** I believe that the other parent

i. ☐ is making approximately \$\_\_\_\_\_ per ☐ hour ☐ year at his/her job as a \_\_\_\_\_

ii. ☐ has a work history of being able to make \$\_\_\_\_\_ per ☐ hour ☐ year as a \_\_\_\_\_

**2D. Child Support past the age of 18:** I ☐ do ☐ do not request that child support for each child continue for up to a year after the child turns 18 when the following conditions are met: 1) the child is 18 years old, (2) unmarried, (3) actively pursuing a high school diploma or equivalent level of training, and (4) living as a dependant with a parent.

**2E. Has either Child Support Services Division (CSSD), the Alaska court or any other state court or child support agency ordered anyone to pay child support?**

☐ No ☐ Yes, ☐ Mother ☐ Father or ☐ other \_\_\_\_\_ has been ordered to pay child support. (*Please attach a copy of that order if you have it.*)

**IMPORTANT:** If yes, send a copy of this Answer to the Collections and Support Section of the Attorney General's Office. The mailing address is provided at the end of this form.

If another state ordered child support, please read about registering the out-of-state order at <http://courts.alaska.gov/shc/family/shcforeign.htm>.

**2F. Has anyone applied for public benefits (ATAP, TANF, Food stamps etc.) to support this child?** ☐ No ☐ Yes, who? \_\_\_\_\_

**IMPORTANT:** If yes, send a copy of this Answer to the Collections and Support Section of the Attorney General's Office. The mailing address is provided at the end of this form.

**2G. CSSD Services:** I ☐ do ☐ do not request the assistance of CSSD to enforce the child support order and keep records of the payments. (*If yes, fill out form [DR-315](#) and file with this Answer.*)

**3. Paternity. Does paternity need to be established or disestablished on any child(ren) in this case?** ☐ NO ☐ YES If yes, in the chart list the child(ren)'s names, birthdays and indicate how you will disestablish. If you have a completed Three-Way Affidavit to Disestablish and Establish Paternity, SHC-151 [Word](#) | [PDF](#), DNA test or birth certificate



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showing biological father, please attach it to this *Answer*. If you think you will need an *Order* to have the other party report for DNA testing, you must also submit a *Motion for DNA Testing* (you can use the Generic Motion Packet, [SHC-PAC6](#)).

Child's Name	Date of Birth	Filing an Affidavit of Paternity, SHC-151	DNA Testing Complete	DNA Testing Planned	Birth Certificate w/ Biological Father's Name

#### **4. Miscellaneous**

**4A. ☐ Permanent Fund Dividend:** I request that the court designate ☐ Father ☐ Mother as the authorized parent to apply for the minor child(ren)'s PFDs. *Please describe any special agreements, such as depositing the PFD into an college savings account etc.:*

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#### **4B. Federal Taxes**

i. ☐ Mom ☐ Dad shall claim the child(ren) as a dependent on his/her federal income taxes ☐ each year ☐ alternating years, starting in year \_\_\_\_\_.

ii. ☐ Each parent shall claim the child(ren) on federal income taxes each year as follows:

child: \_\_\_\_\_ ☐ Dad ☐ Mom

child: \_\_\_\_\_ ☐ Dad ☐ Mom

child: \_\_\_\_\_ ☐ Dad ☐ Mom

child: \_\_\_\_\_ ☐ Dad ☐ Mom

iii. ☐ Other: \_\_\_\_\_

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**5. ☐ Other:** \_\_\_\_\_

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#### D. REQUEST FOR RELIEF

##### I REQUEST:

1. That a *Final Decree of Custody* be granted as set forth in ☐ the *Complaint* or ☐ my custody and visitation plan in section 1 of the *Counterclaim*.
2. That child support be ordered as set forth in ☐ the *Complaint* or ☐ section 2 of the *Counterclaim*.
3. That paternity be established or disestablished as indicated in ☐ the *Complaint* or ☐ section 3 of the *Counterclaim*.
4. That PFD applications, and federal tax dependency issues be ordered as set forth in ☐ the *Complaint* or ☐ section 4 of this *Counterclaim*.

5. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. For such other and further relief as the Court deems fit and proper.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Your Signature (In blue ink if possible)

I have attached the following documents:

- ☐ **Child Custody Jurisdiction Affidavit**, [DR-150](#) [Fill-In PDF] – **Required**
- ☐ **Child Support Guidelines Affidavit**, [DR-305](#) [Fill-In PDF] – **Required**
- ☐ **Shared Custody Support Calculation**, [DR-306](#) [Fill-In PDF] – **Required if you want shared custody**
- ☐ Other \_\_\_\_\_

##### Certificate of Service

I certify that on \_\_\_\_\_ a copy of this *Answer* and all documents attached as indicated above was/were ☐ mailed ☐ hand delivered to:

- ☐ Plaintiff \_\_\_\_\_
- ☐ Plaintiff's Lawyer \_\_\_\_\_
- ☐ Other \_\_\_\_\_

Your signature: . \_\_\_\_\_